

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

RICHARD SYNNESTVEDT,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-09-443-M
	)	
MICHAEL J. ASTRUE,	)	
COMMISSIONER OF THE SOCIAL	)	
SECURITY ADMINISTRATION,	)	
	)	
Defendant.	)	

**ORDER**

On December 18, 2009, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 405(g) for judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying plaintiff’s application for benefits. The Magistrate Judge recommended the Commissioner’s motion to dismiss be granted for the failure to timely effect service. The parties were advised of their right to object to the Report and Recommendation by January 4, 2010, and on January 3, 2010, plaintiff filed his objection.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on December 18, 2010;
- (2) GRANTS defendant’s Motion to Dismiss [docket no. 30], and

(3) DISMISSES this action for failure to timely effect service.

**IT IS SO ORDERED this 7<sup>th</sup> day of January, 2010.**



VICKI MILES-LAGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE